



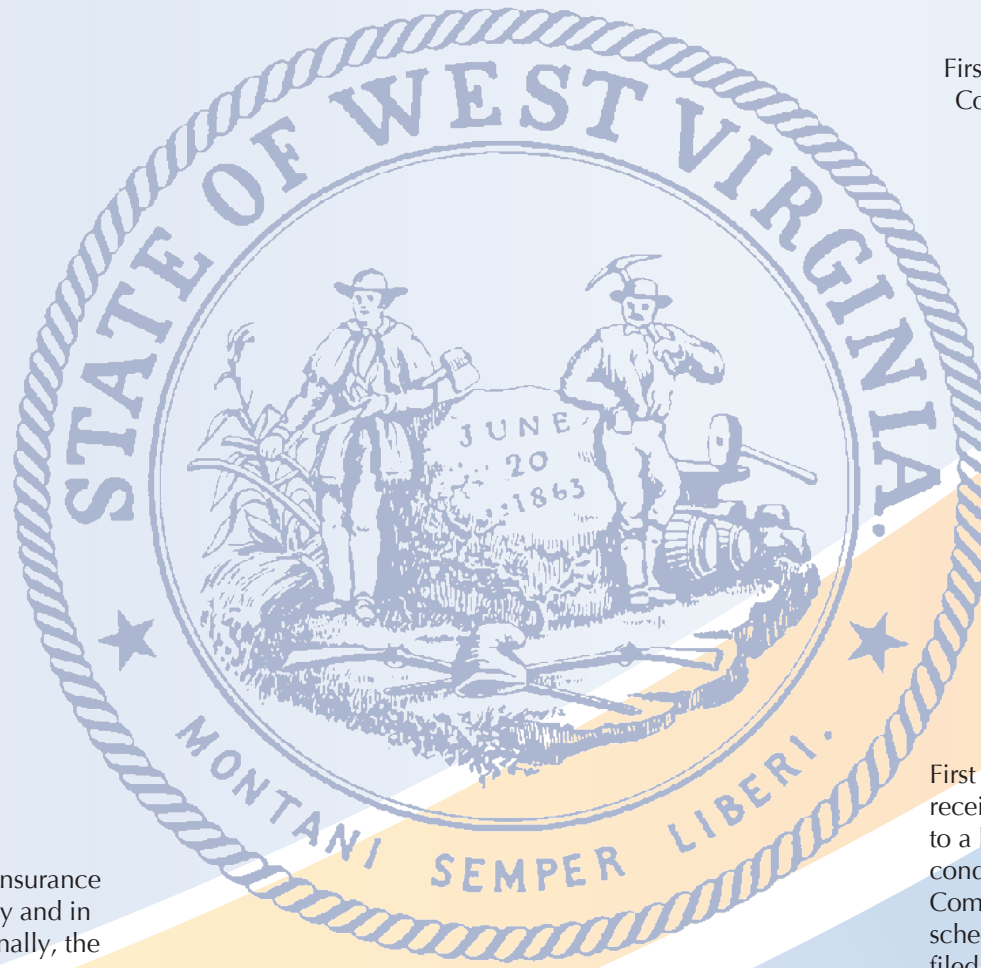
Protecting Consumers

Protecting consumers is one of The West Virginia Offices of the Insurance Commissioner's highest priorities. The WV Offices of the Insurance Commissioner's Office of the Consumer Advocate is mandated to advocate for and protect the interests of West Virginia insurance consumers.

The Consumer Advocate may represent consumers in administrative hearings before The WV Offices of the Insurance Commissioner, the West Virginia Health Care Authority and in any other West Virginia state or federal court. Additionally, the Consumer Advocate identifies and tracks trends in the insurance industry, recommends consumer protection to the West Virginia Legislature, and educates state residents about insurance issues and practices.

Legal Representation

In West Virginia, a formal complaint against an insurance company can be filed with The WV Offices of the Insurance Commissioner's Consumer Service Division. This includes both first party and third party complaints. First party complaints are filed by a consumer against the consumer's own insurance company. Third party complaints are filed by a consumer against another person's insurance company. The Consumer Advocate may provide legal representation on behalf of the consumer at administrative hearings arising from consumer complaints.



Request For Representation

Please understand that a request for representation does not guarantee that the Consumer Advocate will accept representation of a consumer's interests. Upon receipt of a request, the Office of the Consumer Advocate will fully investigate the complaint and carefully consider a request for representation. The Consumer Advocate will then notify a consumer in writing of the determination to accept or deny a request for representation. In the event the Consumer Advocate denies a request for representation, the hearing will either proceed with outside counsel or consumers may represent themselves. In the event the Consumer Advocate accepts representation, the Office will aggressively work on behalf of the consumer toward a resolution of the complaint.

Complaints

First party and third party complaints must be filed with the Consumer Service Division of The WV Offices of the Insurance Commissioner and shall be on a form available upon request by mail, by calling **1-888-879-9842** or via The WV Offices of the Insurance Commissioner's website www.wvinsurance.gov



Administrative Hearings

First Party Hearings must be scheduled within 45 days of the receipt of the written request for a hearing, unless postponed to a later date by mutual agreement. First Party Hearings are conducted at The WV Offices of the Insurance Commissioner in Charleston. Third Party Hearings must be scheduled within 90 days from the date the complaint was filed with the Consumer Service Division, unless postponed to a later date by mutual agreement or by the Commissioner for good cause. These hearings are to be conducted in the geographical region of the state where the complainant resides. All hearings are before a hearing examiner who is a licensed attorney specially trained in administrative law. The hearing examiner will make a recommended decision based upon findings of fact and conclusions of law. The Insurance Commissioner will then issue an order based upon those recommendations. A consumer who prevails may be entitled to the insurance company being fined or penalized, revocation of license, a cease and desist order being issued against the insurance company, and in very limited circumstances may be entitled to restitution including non-economic damages not to exceed \$10,000 and actual economic damages. Restitution may not be given for attorney fees and punitive damages. The consumer or insurance company may appeal the Insurance Commissioner's order within 30 days following the issuance of the order.